

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment

Name of policy to be assessed:

- Repayment of Right to Buy discount; Buying back former Council properties; Covenants on housing land and property; Lease extensions and purchasing freehold of leasehold properties.

<https://www.colchester.gov.uk/info/category/?id=buying-and-selling>

1. What is the main purpose of the policy?

- To define the Council's approach to discretionary elements that are not governed by legislation relating to the Right to Buy Scheme.

2. What main areas or activities does it cover?

- Repayment of 'Right to Buy' discount
- Buying back former Council properties
- Extension of Leases
- Purchase of Freehold
- Restrictive covenants on housing land and property

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- None

4. Who are the main audience, users or customers who will be affected by the policy?

- Current and future owners of former Council properties.

5. What outcomes do you want to achieve from the policy?

- To ensure that the Council's approach is fair, consistent, transparent and that it does not discriminate against any groups.

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Strategic Housing, CBC
- Colchester Amphora Trading Ltd – Estates
- Legal Services, CBC
- Colchester Borough Homes

7. Are you aware of any relevant information, data, surveys or consultations¹ which help us to assess the likely or actual impact of the policy upon customers or staff? *If so provide details and include a link to the document or source where available.*

- No.

8. The 'general duty' states that we must have "due regard" to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation
- (b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not³
- (c) foster good relations between people who share a protected characteristic and those who do not⁴

Not all policies help us to meet the 'general duty', but most do.

¹Click on [Customer Insight](#) for more information. The Council's surveys and consultations include 'equality monitoring information' to help us identify any particular concerns or views expressed by any particular group or 'protected characteristic'. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the staff intranet, 'Colin'.

² The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

³ This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

⁴ This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

Where applicable, explain how this policy helps us to meet the 'general duty':

The policy helps us to 'eliminate unlawful discrimination, harassment and victimisation' in the following way(s):

- By taking into account individual circumstances, vulnerabilities and needs, the policy may help to eliminate unlawful discrimination.

The policy helps us to 'advance equality of opportunity...' in the following way(s):

- By taking into account individual circumstances, vulnerabilities and needs, the policy may help to advance equality of opportunity between people who share this protected characteristic and those who do not.

The policy helps us to 'foster good relations...' in the following way(s):

- The policy does not specifically help us to meet the duty.

9. The Council has an important role in improving residents' health under the Health and Social Care Act 2012. This relates to both its 'core functions' (such as housing, leisure, green spaces and environmental health) and to its 'enabling roles' (such as economic development, planning and engaging with communities)⁵. The Council recognises that its Public Sector Equality Duty and its role in improving health are interrelated and mutually supportive. This is especially true across the 'protected characteristics' of age and disability.

"Health inequalities are the unjust and avoidable differences in people's health across the population. They come from the unequal distribution of income, wealth and power and influence the wider determinants of health such as work, education, social support and housing. Currently, in England people living in the least deprived areas will live around 20 years longer in good health than those in the most deprived areas. Reducing health inequalities means giving everyone the same opportunities to lead a healthy life, no matter where they live or who they are."

Where applicable, explain how this policy helps us to improve health/ reduce health inequalities for residents:

- It may be necessary for owners and their families of ex-council properties purchased through the Right to Buy scheme to move from their home due to a variety of reasons including those that may impact their health. The policy helps the council to improve

⁵ The King's Fund: [The district council contribution to public health: a time of challenge and opportunity, 2015](#)

health inequalities by enabling the council to consider medical conditions, emotional and psychological reasons for applications for non-repayment of Right to Buy discount which may otherwise be a barrier to moving home.

- The policy also helps in reducing health inequalities by enabling the council to consider material circumstances which may include health reasons when dealing with consents, variation, breaches and enforcement of restrictive housing covenants.

10. This section helps us to identify any disproportionate equality impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the 'protected characteristics'.

Remember to include reference to any relevant consultation, data or information.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)				
	Younger people (17-25) and children (0-16)				
Disability	Physical	✓	Individual circumstances will be taken into account, including a person's vulnerabilities, in the decision making process.	✓	<p>Permission for extensions may be refused and this might impact disproportionately on this group.</p> <p>People who need to move urgently on disability grounds may be disadvantaged by this policy. The policy could prevent them from moving before the discount period has expired.</p> <p>Leaseholders who need to make changes to their properties may be disadvantaged by this policy as an administrative charge is made and this could impact disproportionately on this group.</p>
	Sensory	✓	As above	✓	As above
	Learning	✓	As above	✓	As above
	Mental health issues	✓	As above	✓	As above
	Other – <i>specify</i>				

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Ethnicity ⁶	White				
	Black	✓	Individual circumstances will be taken into account, including a person's vulnerabilities, in the decision-making process.	✓	Black Minority Ethnic customers may be more likely to suffer harassment or hate crime than other groups. The policy might prevent them from moving before the discount period has expired.
	Chinese	✓		✓	As above
	Mixed Ethnic Origin	✓		✓	As above
	Gypsies/ Travellers	✓		✓	As above
	Other – <i>please state</i>				
Language	English not first language				
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks				
Religion or Belief	People with a religious belief (or none)	✓	Individual circumstances will be taken into account, including a person's vulnerabilities, in the decision-making process.	✓	People with a religious belief who suffer related harassment or hate crime might be disadvantaged as the policy might prevent them from moving before the discount period has expired.
Sex	Men				
	Women	✓	Individual circumstances will be taken into account, including a person's vulnerabilities, in the decision-making process.	✓	Women are more likely to suffer domestic abuse than men and victims of abuse may need to move before the discount period has expired; this might negatively impact disproportionately upon women.

⁶ National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Gender Reassignment ⁷	Transgender/ Transsexual	✓	As above	✓	People within this group who suffer harassment or hate crime might be disadvantaged as the policy might prevent them from moving before the discount period has expired.
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian	✓	As above	✓	People suffering homophobic harassment or hate crime might be disadvantaged as the policy might prevent them from moving before the discount period has expired.
Marriage and Civil Partnership	People who are married or in a civil partnership				

11. If you have identified any negative impacts (above) how can they be minimised or removed?

Permission for extensions may be refused as a result of this policy and this could impact disproportionately on people with a physical or sensory disability.

All of an applicant's circumstances will be taken into account when making a decision this will include any protected characteristics where relevant. There is also an appeal's procedure which allows a subsequent appeal where relevant circumstances have changed. The Council will take into consideration the following circumstances when deciding whether RTB discount should be repaid.

- (a) whether an owner of the property wishes to move because otherwise he or she and/or other family members (especially children) face demonstrable threat of violence or significant harm; for example, due to:
- relationship breakdowns involving actual or threatened domestic violence;
 - racial, faith, homophobic or any other kind of harassment;

⁷ The protected characteristic of gender reassignment is defined by the Equality Act 2010 as "a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex." This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to.

- extreme anti-social behaviour, such as persistent drug dealing in an adjoining or nearby property;
- (b) whether the sudden onset of a severe medical condition or serious deterioration of an existing condition makes a move essential on medical grounds;
- (c) whether an early move is essential to return to employment; for instance where an individual has a firm offer of a job in another area and would thereby be able to return to work; either:
- after long term unemployment; or
 - after having been made redundant, when his/her skills are such that there is no prospect of getting another job locally.
- (d) Whether a traumatic personal event (for example, sudden bereavement) makes a move essential for emotional or psychological reasons.

Payment of the administrative charge outlined in the policy will be waived if the request for a deed of variation or request to carry out works is in order to make a property more suitable for a person with disabilities.

The Council believes that the above factors act to mitigate any potential negative impacts of the policy. As a result this policy is unlikely to be discriminatory against any protected characteristics.

12. Could the policy discriminate⁸ against any ‘protected characteristic’, either directly or indirectly⁹? (Yes/No)

- No.

Summary and findings of Initial Equality Impact Assessment

13. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
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⁸ The Council has a general duty to ‘eliminate unlawful discrimination, harassment and victimisation’. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their ‘protected characteristic’ whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their ‘protected characteristic’.

⁹ If you answer ‘yes’ to question 11 (above) you will need to complete the following section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

A. No negative impacts have been identified <input type="checkbox"/>	Sign off screening and finish.
B. Negative impacts have been identified but have been minimised or removed ✓	Sign off screening and finish.
C. Negative impacts could not be minimised or removed <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.
D. There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

14. Name and job title of person completing this form:

- Suzanne Norton – Housing Client Co-ordinator

15. Date of completion:

- March 2021

16. Date for update or review of this screening¹⁰:

- March 2024

¹⁰ This is normally three years, but not always: You may know that the policy itself will be reviewed earlier in which case the EqIA should be reviewed at that time. Or, in the case of a five year strategy, you may want to have a review date of five years. In the case of a “one off” decision, such as closing a service, a review date may not be needed - in which case you should indicate ‘N/A’. In any event, the review date should be brought forward if you receive information or feedback which raises new concerns, or if the public policy context changes. You can speak to the [Equality and Safeguarding Co-ordinator](#) for more advice.